

Expedited Bill No. 32-07  
Concerning: Environmental Sustainability  
- Climate Protection Plan  
Revised: 4/22/2008 Draft No. 13  
Introduced: November 20, 2007  
Expires: May 20, 2009  
Enacted: April 22, 2008  
Executive: \_\_\_\_\_  
Effective: \_\_\_\_\_  
Sunset Date: None  
Ch. \_\_\_\_\_, Laws of Mont. Co. \_\_\_\_\_

## COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

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By: Councilmembers Berliner, Leventhal, Andrews, Elrich, Floreen, and Ervin

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**AN EXPEDITED ACT** to:

- (1) establish goals to reduce Countywide greenhouse gas emissions by certain amounts by certain dates;
- (2) create and specify the membership and duties of a Sustainability Working Group;
- [[ (2) ] (3) require the [[Director of the Department of Environmental Protection]] Sustainability Working Group to prepare a Climate Protection Plan designed to achieve Countywide goals for greenhouse gas emissions;
- [[ (3) ] (4) require the [[Directors of the Department of Environmental Protection and Department of Finance]] Sustainability Working Group to evaluate the costs and benefits of converting the fuel energy tax to a carbon tax;
- [[ (4) ] (5) require the [[Director of the Department of Environmental Protection]] Sustainability Working Group to recommend whether the County should join a cap and trade program;
- [[ (5) ] (6) make stylistic changes; and
- [[ (6) ] (7) generally amend the law relating to energy and environmental policy.

By amending

Montgomery County Code  
Chapter 18A, Energy Policy  
Sections 18A-1, 18A-5, 18A-8, and 18A-10

By adding

Montgomery County Code  
Chapter 18A, Energy Policy  
Article [[II]] 2. Climate Protection

<b>Boldface</b>	<i>Heading or defined term.</i>
<u>Underlining</u>	<i>Added to existing law by original bill.</i>
[Single boldface brackets]	<i>Deleted from existing law by original bill.</i>
<u>Double underlining</u>	<i>Added by amendment.</i>
[[Double boldface brackets]]	<i>Deleted from existing law or the bill by amendment.</i>
* * *	<i>Existing law unaffected by bill.</i>

*The County Council for Montgomery County, Maryland approves the following Act:*

1           **Sec. 1. The title to Chapter 18A and Section 18A-1, Section 18A-5,**  
2           **Section 18A-8, and Section 18A-10 are amended as follows:**

3                           **Chapter 18A. [ENERGY POLICY] ENVIRONMENTAL**  
4   **SUSTAINABILITY.**

5   **Article [[I]] 1. Energy.**

6           **18A-1. Findings and statement of purpose.**

7           (a) In the interest of maintaining an adequate and reliable energy supply at  
8           reasonable cost, the County government recognizes the need to  
9           institutionalize through legislation an energy policy and energy planning  
10          program. In addition, the efficient use of energy directly benefits air  
11          quality, demonstrating the linkages necessary to achieve essential  
12          environmental goals. For this reason, the responsibilities of the  
13          Advisory Committee on Energy Conservation are expanded to include  
14          an advisory function with respect to air quality.

15          (b) The intent of this [Chapter] Article is to provide the initiative for  
16          County government to address energy issues and plan for a future which  
17          may be energy resource-constrained. It establishes the means to  
18          formulate ongoing policies, plans, programs and activities designed to  
19          foster energy conservation and to promote cost-effective alternatives to  
20          existing sources of energy and patterns of energy consumption while  
21          maintaining efforts to meet environmental goals.

22          (c) This [Chapter] Article is intended to serve as a vehicle for the  
23          promotion of energy consciousness throughout all segments of the  
24          community and for the development and implementation of immediate  
25          and long-range cooperative energy planning efforts in both the public  
26          and private sectors.

**18A-5. Energy and Air Quality Advisory Committee; establishment; terms of office; ex-officio members [; etc].**

- (a) There is hereby established an Advisory Committee on Energy and Air Quality[, hereinafter referred to as the Committee,] to assist the County Council and the County Executive in carrying out the purposes of this [Chapter] Article and Chapter 3. The Committee consists of 15 members appointed by the County Executive, subject to confirmation by the County Council. One member must be designated by the Executive and confirmed by the Council to serve as chair of the Committee. [Appointees] Each appointee must be [citizens] a resident of the County who [are] is technically knowledgeable and interested in energy and air quality.

\* \* \*

**18A-8. Duties and responsibilities.**

The Committee has the following duties:

- (a) Advise the County Executive and the County Council of the activities of the Committee in furthering the goals of this [Chapter] Article and Chapter 3;

\* \* \*

- (f) Carry out [such other] duties [as may be] assigned from time to time by the County Executive and the County Council to assist in fulfilling the purposes of this [Chapter] Article.

**18A-10. Administrative arrangements; support and organizational duties and functions of county government.**

- (a) The County Executive must designate a senior officer or employee of the executive branch of County government to provide executive

direction to the performance of the functions and responsibilities delineated in this [Chapter] Article and to report annually to the Executive and Council on the activities undertaken to further the goals of this [Chapter] Article.

- (b) The County Executive may also establish [such] organizational and administrative arrangements as appropriate to promote the policies and purposes of this [Chapter] Article, including the following functions:

\* \* \*

**Sec. 2. Chapter 18A is amended by adding Article II. Climate Protection as follows:**

**Article [[II]] 2. Climate Protection.**

**18A-12. Definitions**

In this Article, the following words have the meanings indicated:

“Cap and trade program” means a program that places a limit on the aggregate net greenhouse gas emissions of the participants, while allowing the transfer or sale of greenhouse gas emission allowances.

“Carbon dioxide equivalent” means a given weight of a greenhouse gas that has the same global warming potential, measured over a specified time, as a given weight of carbon dioxide.

“Climate Protection Plan” means the plan to reduce the level of Countywide greenhouse gas emissions prepared under Section [[18A-13]] 18A-14.

“Countywide greenhouse gas emissions” means the total annual greenhouse gas emissions in the County, measured in tons of carbon dioxide equivalents, including all emissions from electricity generated outside the County but consumed in the County.

“Department” means the Department of Environmental Protection.

“Director” means the Director of the Department or the Director’s designee.

“Greenhouse gas” includes carbon dioxide, methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride, and any other gas or substance the Director finds to be a significant contributor to global warming.

**18A-13. Sustainability Working Group.**

(a) Definition. In this Section, “Group” means the Sustainability Working Group.

(b) Established. The Executive must appoint, subject to confirmation by the Council, a Sustainability Working Group.

(c) Members.

(1) The Group has [[25]] 26 members.

(2) The Executive must appoint a representative from each of the following Departments to serve as an ex officio member:

(A) Environmental Protection;

(B) Economic Development;

(C) Finance;

(D) General Services;

(E) Management and Budget;

(F) Permitting Services;

(G) Public Information; and

(H) Transportation.

(3) The Executive must invite one representative from each of the following to serve as an ex officio member:

(A) County Council;

(B) County Planning Board;

- (C) Washington Suburban Sanitary Commission;
- (D) Montgomery County Public Schools;
- (E) Montgomery College; [[and]]
- (F) a municipal government in the County[.]; and
- (G) an appropriate regional organization.

(4) The Executive must appoint 11 public members. The public members should include:

- (A) representatives of the business community;
- (B) representatives of land development or building interests;
- (C) representatives of energy distribution or supply firms;
- (D) persons with expertise in stormwater management;
- (E) persons with expertise in clean energy and air quality;
- (F) persons with expertise in forest and habitat protection;
- (G) members of civic organizations active in County affairs;
- (H) persons with scientific and academic expertise; and
- (I) representatives of communications and media interests.

(5) The term of each member is 3 years. If a member is appointed to fill a vacancy before a term expires, the successor serves the rest of the unexpired term.

(d) *Voting, officers, chairs, meetings, and compensation.*

- (1) Each member of the Group is a voting member.
- (2) The Executive must [[designated]] designate the Director of the Department of Environmental Protection and a public member to be Co-chairs.

(3) The Group meets at the call of the Co-chairs. The Group must meet as often as necessary to perform its duties, but not less than quarterly.

(4) A member serves without compensation. However, a member may request reimbursement for mileage and dependent care costs at rates established by the County.

(e) Subcommittees. [[The Group may establish and appoint one or more subcommittees, which may include persons who are not members of the Group.]] The Co-chairs, with the approval of the Group, may create one or more subcommittees to assist in carrying out any function of the Group. Any subcommittee must consist of at least 3 members. Any subcommittee action is not the action of the Group and must not bind the Group or its members. The Co-chairs must select the chair and members of each subcommittee, which may include persons who are not members of the Group. However, the chair of each subcommittee must be a member of the Group.

(f) Duties. By January 15, 2009, the Group must:

(1) conduct the greenhouse gas emissions inventory and recommend the Climate Protection Plan as required under Section 18A-14;

(2) conduct the annual inventory of the County's sport utility vehicles and develop criteria to identify positions in County government that should be assigned sports utility vehicles as required under Section 18A-19;

(3) evaluate the costs and benefits of a car share program as required under Section 18A-22;



- 154           (4)   prepare a Telecommuting Action Plan as required under Section  
 155               33-24;
- 156           (5)   develop an energy baseline, energy unit savings plan, and energy  
 157               cost savings plan for each County building as required under  
 158               Section 8-14B;
- 159           (6)   evaluate options to create incentives for owners of commercial,  
 160               multi-family residential, and single-family residential buildings to  
 161               modify those buildings to increase their energy efficiency[.]] as  
 162               required under Section 8-14C;
- 163           (7)   evaluate options to [[encourage the private sector to achieve]]  
 164               minimize the impact on affordable housing of achieving the  
 165               ENERGY STAR rating[.]] as required under Section 8-14C;
- 166           (8)   evaluate options to encourage homeowners to conduct energy  
 167               audits[.]] as required under Section 40-13B; [[and]]
- 168           (9)   prepare a Renewable Energy Action Plan as required under  
 169               Section 18A-16[.]] and
- 170           (10) evaluate the costs and benefits of adopting the ASHRAE/  
 171               USGBC/IESNA Standard 189.1 as required under Section 8-53.
- 172    (g)   *Additional duties.* The Group may also recommend, as appropriate, any  
 173           action that promotes the improvement of air and water quality, habitat  
 174           restoration, economic vitality, and a high quality of life for all County  
 175           residents. This and other duties of the Group must not infringe on or  
 176           restrict the County Planning Board's authority under state and County  
 177           laws to conduct land use and transportation planning and other relevant  
 178           planning and analysis.

179 [(g)] (h) *Annual report.* By January 15 each year, the Group must submit to  
 180 the Executive and Council an annual report on:

- 181 (1) its activities, accomplishments, plans, and objectives;
- 182 (2) actions taken to implement the Climate Protection Plan, and  
 183 whether the County is meeting the goals identified in the Climate  
 184 Protection Plan[,]] as required under Section 18A-14;
- 185 (3) the use of biodiesel fuels in County vehicles, results of the sport  
 186 utility vehicle inventory, and the average fuel economy for  
 187 passenger vehicles and light trucks in the County fleet[,]] as  
 188 required under Section 18A-23;
- 189 (4) actions taken in the preceding year to implement the  
 190 Telecommuting Action Plan as required under Section 33-24; and
- 191 (5) steps taking in the preceding year to implement the energy unit  
 192 savings plan and energy cost savings plan for each County  
 193 building as required under Section 8-14B.

194 [(h)] (i) *Advocacy.* The Group must not engage in any legislative advocacy  
 195 at the State or federal levels unless that activity is approved by the  
 196 Office of Intergovernmental Relations.

197 [(i)] (j) *Staff.* The Chief Administrative Officer must provide appropriate  
 198 staff to the Group.

199 **[[18A-13]] 18A-14. Climate Protection Plan.**

- 200 (a) *Inventory.* The [[Director]] Sustainability Working Group must conduct  
 201 a greenhouse gas emissions inventory to determine the amount of  
 202 greenhouse gases emitted in the County and submit a written report on  
 203 the inventory to the County Executive and County Council by [[July 1,  
 204 2008]] January 15, 2009.

(b) Reduction of greenhouse gas emissions. The ~~[[Director]]~~ Sustainability Working Group must prepare a Climate Protection Plan by January ~~[[1]]~~ 15, 2009 that outlines a plan to reduce Countywide greenhouse gas emissions to 80% below the amount of greenhouse gas emissions in the base year identified in the inventory prepared under subsection (a) by January 1, 2050, including a plan to stop increasing Countywide greenhouse gas emissions by 2010 and achieve a 10% reduction every 5 years through 2050.

(c) Climate Protection Plan. The Climate Protection Plan must:

- (1) identify a strategy, including short-, mid-, and long-term goals to reduce Countywide greenhouse gas emissions to the levels required in subsection (b);
- (2) explain how the Climate Protection Plan relates to the Energy Policy approved by the Council under Section 18A-3 and ~~[[identifies]]~~ identify any recommended changes to the Energy Policy that are needed to implement the Climate Protection Plan;
- (3) identify existing cap and trade programs and ~~[[recommends]]~~ recommend whether the County should join a cap and trade program;
- (4) identify ways to increase sequestration of greenhouse gases, including a Tree Canopy Initiative that contains a plan for increasing the County's tree canopy;
- (5) include an education and outreach plan designed to educate County residents and businesses about:
  - (A) global climate change;
  - (B) County efforts to reduce greenhouse gas emissions;

(C) sequestration of carbon; and

(D) best practices for reducing greenhouse gas emissions;

[[and]]

(6) include a strategy to achieve a significant improvement in the average County fleet fuel economy standards as required under Section 18A-20;

(7) identify a strategy to reduce vehicle miles traveled in the County; and

(8) estimate the time and resources necessary to implement the Climate Protection Plan.

(d) Preparation. In preparing the Climate Protection Plan, the [[Director]] Sustainability Working Group must:

(1) consider greenhouse gas emissions reduction programs in other jurisdictions;

(2) evaluate the potential costs and benefits of different options for reducing greenhouse gas emissions to the County's economy, environment, health, safety, and welfare; and

(3) use the best available economic models, emissions estimating techniques, and other scientific methods.

(e) Annual report. The [[Director]] Sustainability Working Group must submit a report to the County Executive and County Council by [[September 1]] January 15 of each year that specifies:

(1) the actions taken to implement the Climate Protection Plan in the preceding fiscal year; and

(2) whether the County is meeting the goals identified in the Climate Protection Plan.

**18A-15. Carbon tax.**

(a) In this Section, the following words have the meanings indicated:

“Carbon tax” means a tax that is proportionate to the amount of carbon dioxide produced by an energy source.

“Fuel energy tax” means the fuel energy tax imposed under Section 52-14.

(b) The [[Directors of the Department of Environmental Protection and Department of Finance]] Sustainability Working Group must:

(1) evaluate the costs and benefits of converting the fuel energy tax to a carbon tax; and

(2) submit findings and recommendations to the County Executive and County Council by [[July 1, 2008]] January 15, 2009, including a recommended methodology for converting the fuel energy tax to a carbon tax.

**Sec. 3. Expedited Effective Date.**

The Council declares that this legislation is necessary for the immediate protection of the public interest. This Act takes effect on the date when it becomes law.

*Approved:*

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Michael J. Knapp, President, County Council

Date

*Approved:*

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Isiah Leggett, County Executive

Date

281     *This is a correct copy of Council action.*

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Linda M. Lauer, Clerk of the Council

Date